

SUMMARY OF EXAMINER INTERVIEW

Applicants would like to thank the Examiner for granting an interview on April 14, 2011. During the interview, differences between the claimed invention and the cited references, namely Rothschild and Eldar, were discussed. Potential claim amendments to clarify differences were also discussed.

REMARKS

Applicants respectfully request reconsideration of the present application. No new matter has been added to the present application. Claims 30-47 have been rejected in the Office Action. Claims 30, 36, and 42 have been amended, no claims have been canceled, and no new claims have been added in the Amendment. Accordingly, claims 30-47 are pending herein. Claims 30-47 are believed to be in condition for allowance and such favorable action is respectfully requested.

Rejections based on 35 U.S.C. § 103

A. Rejection based on Rothschild and Eldar

Claims 30-32, 36-38, and 42-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild, et al. ('Rothschild' hereafter, U.S. Publication No. 2002/0016718) in view of Eldar, et al. ("Eldar" hereafter, U.S. Patent No. 7,290,011). Applicants respectfully traverse the rejection of the claims as hereinafter set forth.

Each of independent claims 30, 36, and 42 includes features directed to managing the transfer of studies from a study process server to a review station. Studies acquired at acquisition devices are provided to the study process server, which sorts the studies into a number of working sets. A working set includes a collection of studies ready for review by a clinician as a set. A subset of studies is selected from a working set and transferred from the study process server to a review station while the transfer of remaining studies in the working set is delayed until clinician review of the subset of studies at the review station is detected. The review station is then monitored to determine when a clinician begins to review the subset of studies from the working set at the review station. When clinician review of the subset of studies

from the working set is detected at the review station, additional studies from that working set are transferred to the review station.

Applicants respectfully submit that Rothschild and Eldar, either alone or in combination, fail to teach or suggest the features of independent claims 30, 36, and 42. Referring initially to Rothschild, the Office Action cites paragraphs [0242] – [0244] for the claim features of selecting a subset of studies from a working set and transferring those studies from the study process server to a review station. This cited portion of Rothschild discusses two components: a route request verifier 444 and a prefetch logic 445.

The route request verifier 444 identifies whether a route is valid based on allow/disallow lists. *See, e.g., Rothschild, ¶¶ [0242], [0249], [0260].* If a route is valid for a file, the file is marked for delivery. *Id.* Otherwise, the file is marked as needing administrative review and the file is not delivered. *Id.* While this portion of Rothschild does discuss sending some files while not sending others, there is nothing in Rothschild to indicate that the files sent and files not sent are from the same working set as in claims 30, 36, and 42. In other words, while claims 30, 36, and 42 recites features directed to identifying a working set of studies and selecting and transferring a subset of studies from the working set while delaying transfer of remaining studies from that same working set, Rothschild is silent regarding transferring some files while holding other files from the same working set.

Moreover, the independent claims recites that a working set comprises a collection of studies ready for review by at least one clinician as a set. Therefore, all studies in the working set are ready to be reviewed by a clinician and therefore could be transferred for review by the clinician without further approval. This includes both the subset of studies that are originally transferred and the remaining studies that are not transferred until clinician review of

the subset is detected at a review station. In contrast, the files in Rothschild that are not transferred would be ones that are on a disallow list (or not on an allow list). Therefore, those files would either have been identified as not to be reviewed by the physician (if on the disallow list) or have not been identified for review by the clinician (if invalid determination is based on not being on the allow list). Either way, those files would not be ready for review by a clinician as in claims 30, 36, and 42 as some administrator approval would be required before those files may be transferred.

Further, the files for which the route is determined to be invalid in Rothschild would be reviewed by an administrator and then possibly marked for delivery. Therefore, delivery of those files would be based on an administrator's approval, not based on detecting a clinician reviewing the subset of studies from a working set originally transferred to a review station as in claims 30, 36, and 42. Therefore, Rothschild fails to teach or suggest "automatically transferring the subset of studies . . . , while delaying transfer of remaining studies in the first working set until clinician review of the subset of studies from the first working set at the review station is detected."

As noted above, the cited portions of Rothschild also discuss prefetch logic 445. The prefetch logic 445 identifies files related to the file to be routed and marks them for delivery. Since all files associated with this process are marked for delivery, there is no subset of studies from a working set selected and transferred while other studies are held.

Eldar, even if combined with Rothschild, does not cure the deficiencies of Rothschild. Eldar teaches an approach in which the system operates in an automatic mode and attempts to send all images to a review station. "The images are forwarded to users as they become available on an image archive storage device. This overcomes the requirement of users

having to manually request the transmission of each individual image they would like to view.” *Eldar*, col. 2, lines 53-57. If a user attempts to view a particular image during the transfer process, that particular image will be retrieved and displayed. *See, e.g., Eldar*, Abstract; col. 2, line 58 – col. 3, line 11. Thus, the system in *Eldar* never identifies a subset of studies from a working set and transfers only that subset of studies to a review station while delaying transfer of remaining studies in the working set until clinician review of the subset of studies from the working set at the review station is detected. Instead, *Eldar* discusses queuing all images for transmission. *See, e.g., id.*, Abstract. While the queued images are being transferred, a user may request a particular image in the queue that has not been transferred, and that image is transferred immediately based on the request. This is essentially just reordering the images being transferred based on a user request during transmission of images. In *Eldar*, all the images would be transferred regardless of whether a clinician is reviewing the images are not. The only difference is the order in which they are transferred. Therefore, there are no images for which the transfer of those images is purposefully delayed until clinician review of already transferred images is detected as in claims 30, 36, and 42. Accordingly, *Eldar* also fails to teach or suggest “automatically transferring the subset of studies . . . , while delaying transfer of remaining studies in the first working set until clinician review of the subset of studies from the first working set at the review station is detected.”

The inventions of claims 30, 36, and 42 provide significant advantages over the approaches discussed in the cited references. In particular, the claimed inventions allow studies to be distributed from a central server to review stations in a manner that provides for immediate access to a subset of the studies without creating excessive network traffic and consuming excessive memory resources. By providing a subset of studies from a working set to be readily

available for review at a review station, a clinician may immediately begin reviewing the studies from the subset. Additionally, because only a subset of the studies from the working set are initially transferred (as opposed to all studies), excessive network traffic is avoided and excessive memory resources are not consumed. When a clinician begins reviewing the subset of studies from the working set at a review station, the system recognizes that the subset of studies from the working set are being reviewed and begins distributing other studies in the working set to the review station.

Accordingly, Applicants respectfully submit that independent claims 30, 36, and 42 are patentable over the art of record. Dependent claims 31, 32, 37, 38, 43, and 44 are also allowable for at least the reasons provided above.

B. Rejection based on Rothschild, Eldar, and Cooke

Claims 33, 34, 39, 40, 45, and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Rothschild and Eldar and further in view of Cooke, Jr., et al. (“Cooke” hereafter, U.S. Patent No. 6,574,629). Applicants traverse the obviousness rejection of claims 33, 34, 39, 40, 45, and 46 because Rothschild, Eldar, and Cooke, either alone or in combination, fail to teach or suggest all the claim limitations for claims 33, 34, 39, 40, 45, and 46. Dependent claims 33, 34, 39, 40, 45, and 46 depend from independent claim 30, 36, and 42, which include limitations not taught or suggested by Rothschild and Eldar as described hereinabove. The addition of Cooke does not cure these deficiencies as Cooke similarly fails to teach or suggest these limitations. Accordingly, Applicants respectfully request the withdrawal of the 103(a) rejection of claims 33, 34, 39, 40, 45, and 46.

Additionally, Applicants submit that the dependent claims recite further features not taught or suggested by the cited references. For instance, claims 34, 40, and 46 recite

features directed to determining that review of a study at the review station has been completed and removing the study from not only that review station but also at least one other review station. The Office Action cites column 21, lines 46-55 of Cooke for these features. The cited portion of Cooke discusses a delete button that may be used to delete studies from a station's cache. While the delete button for a first station may be used to delete a study from the first station's cache after review of the study, the cited portion is silent regarding also deleting the study from another station's cache based on the review and deletion from the first station.

C. Rejection based on Rothschild, Eldar, and Fuller

Claims 35, 41, and 47 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Rothschild and Eldar and further in view of Fuller U.S. Publication No. 2005/0050552. Applicants traverse the obviousness rejection of claims 35, 41, and 47 because Rothschild, Eldar, and Cooke, either alone or in combination, fail to teach or suggest all the claim limitations for claims 35, 41, and 47. Dependent claims 35, 41, and 47 depend from independent claim 30, 36, and 42, which include limitations not taught or suggested by Rothschild and Eldar as described hereinabove. The addition of Fuller does not cure these deficiencies as Fuller similarly fails to teach or suggest these limitations. Accordingly, Applicants respectfully request the withdrawal of the 103(a) rejection of claims 35, 41, and 47.

CONCLUSION

For at least the reasons stated above, claims 30-47 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or jgolian@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due,

however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112 with reference to Attorney Docket Number CRNI.110413.

Respectfully submitted,

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